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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/557,597

04/25/2000

Johannes G. Sinke

PHN 17,430

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10/19/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,597

Applicant(s)

SINKE ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This communication is in response to applicant's Appeal Brief which is filed July 29, 2004.

An Appeal Brief have been entered and made of record in the application of Sinke et al. for a "system for providing personalized services" filed April 25, 2000.

Claims 1-2, 4-10 and 13-18 are pending.

Response to Arguments

Applicant's argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 102(B) as discussed below. Applicant's argument with respect to the pending claims 1 and 14, filed July 29, 2004, have been fully considered but they are not persuasive for at least the following reasons.

On page 4, second paragraph Applicant's arguments with respect to the invention in Duhamel does not teach or suggest that the portable transceiver that selectively transmits a user identification in response to a communication from an apparatus is not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., selectively) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations

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from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Duhamel et al. disclose a portable transceiver 18 is small enough to be carried in a purse or pocket. Portable transceiver 18 has a receiver capable of receiving the interrogation signal transmitted by fixed transceiver 16. Portable transceiver 18 also has a transmitter capable of automatically transmitting a radio frequency signal in response to the interrogation signal. The portable transceiver's response signal includes a unique identification code. Thus, each portable transceiver 18 transmits a response signal different from any other portable transceiver. This allows the identity of each portable transceiver 18 to be determined. In another embodiment of the invention, a group of portable transceivers 18 have the same identification code. The identification code of the group of transceivers is different from any portable transceiver not in the group. Based on the unique identification code, the identity of the person or group to whom the portable transceiver is assigned may also be determined. When portable transceiver 18 receives the interrogation signal from fixed transceiver 16, it automatically transmits the response signal, requiring no user intervention. Thus, it is not necessary to remove portable transceiver 18 from the purse or pocket and no buttons or switches are required to be actuated on the transceiver (column 4 lines 38 to 62; see Figures 1-3). One skilled in the art understands that the portable transceiver selectively selected a unique identification code to transmit to a fixed transceiver. A unique identification code is stored a memory of a portable transceiver.

Furthermore, Duhamel et al. disclose that those skilled in the art will understand that various systems can be used to store, decode and verify the identification code transmitted by portable transceiver 18. Preferably, fixed transceiver 16 has a "teach" or "learn" function

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allowing the fixed transceiver to "learn" the code stored in portable transceiver 18. Using this "teaching" process, fixed transceiver 16 can be programmed or configured to accept the code of several different portable transceivers 18 (column 4 lines 63 to column 5 line 4). Therefore, when a person with an authorized portable transceiver approaching a door and receiving an interrogation signal from a fixed transceiver, the portable transceiver selectively transmits a response signal with an unique identification code in order to operate an electromechanical door lock mechanism.

Duhamel et al. disclose the portable transceiver that is configured to selectively transmit a user identification only in response to receipt of a communication from the apparatus. The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

After further consideration with respect to the pending claims 2, 6, 10, 15 and 16 and newly discovered art of Brinkmeyer et al., examiner has withdrawn prior rejection. Therefore, appellant's arguments are moot in view of the new ground(s) of rejection.

In view of the Appeal Brief filed on July 29, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

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(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Duhamel et al. (US# 5,541,585).

Referring to claims 1 and 14, Duhamel et al. disclose a security system for controlling building access as recited in claims 1 and 14. See Figures 1, and 3 and respective portions of the system and method.

Referring to claims 1 and 14, Duhamel et al. disclose a system for providing personalized services (column 3 lines 6 to 20; see Figure 3), comprising

an apparatus (36, 38 or 52) (i.e. electronic devices) which is capable of personalizing its behavior in accordance with a user profile (i.e. user's preferences) (column 6 lines 31 to 50),

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a gatekeeper device (18) (i.e. a portable transceiver) that is configured to selectively transmit a user identification only (i.e. a response signal with an identification code), in response to receipt of a communication (i.e. an interrogation signal) from the apparatus (16) (i.e. fixed transceiver of electronic devices) (column 4 line 37 to column 5 line 4),

wherein the apparatus (38) is configured to effect the personalizing of its behavior based on the user identification (i.e. an identification code) (column 3 lines 6 to 20; column 6 lines 31 to 50; column 7 lines 3 to 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 6, 10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel et al. (US# 5,541,585) as applied to claims 1 and 14 above, and in view of Brinkmeyer et al. (US# 5,983,347).

Referring to claims 2, 10 and 15, Duhamel et al. disclose a system of claimed in Claims 1 and 14, however, Duhamel et al. did not explicitly disclose characterized in that the gatekeeper device includes a user control to selectively transmit the user identification.

In the same field of endeavor of an electronic authentication security device, Brinkmeyer et al. teach that the gatekeeper device (10) (i.e. an authentication key unit) includes a user control (16) (i.e. a switch element) to selectively transmit the user identification (i.e. an authorization code) (column 2 lines 43 to column 3 line 22; column 4 lines 51 to column 5 line 20; see Figure 2) in order to prevent the control and encoding unit from delivering authentication signal in response to an interrogation signal.

One of ordinary skilled in the art recognizes providing a switching element on the authentication key unit of Brinkmeyer et al. in a portable transceiver of Duhamel et al. because Duhamel et al. suggest it is desired to provide that each portable transceiver transmits a response signal different from any other portable transceiver with a unique identification code (column 4 lines 38 to 62) and Brinkmeyer et al. teach that each electronic authentication device has an authorization code and a user control selectively switch element to allow or block against authentication communication processes (column 4 lines 51 to column 5 line 20; see Figure 2) in order for user to control the authentication communications process independently and to protect against unauthorized authentication attempts. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a switching element on the authentication key unit of Brinkmeyer et al. in a portable transceiver of Duhamel et al. with the motivation for doing so would have been to control the authentication communications process independently by a user and also to protect against unauthorized authentication attempts.

Referring to claim 4, Duhamel et al. disclose a system as claimed in Claim 1, and Brinkmeyer et al. disclose characterized in that the gate keeper device (10) is configured to

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provide notification of the communication from the apparatus (1) (i.e. a door lock unit) (column 4 lines 42 to 50; column 5 line 64 to column 6 line 6; see Figures 1-3).

Referring to claims 6 and 16, Duhome et al. disclose a system as claimed in Claims 1 and 14, and Brinkmeyer et al. disclose characterized in that the gatekeeper device (10) (i.e. an authentication key unit) is further configured to enable selection of one or more options (i.e. automatically or manual) that affect selectively transmitting the user identification (i.e. authentication code) at subsequent occasions (column 2 line 56 to column 3 line 22; column 4 line 51 to column 5 line 20; see Figures 1-3).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhome et al. (US# 5,541,585) and in view of Brinkmeyer et al. (US# 5,983,347) as applied to claim 4 above and in further view of Kushiro et al. (US# 6,285,357).

Referring to claim 5, Duhome et al. in view of Brinkmeyer et al. disclose a system as claimed in claim 4, however, Duhome et al. in view of Brinkmeyer et al. did not explicitly disclose the communication from the apparatus includes an identification signal of the apparatus that distinguishes the apparatus from an other apparatus.

In the same field of endeavor of remote control system that controlling a plurality of apparatuses, Kushiro et al. teach that communication from the apparatus (200, 300, 400 or 500; see Figure 13) (column 16 lines 24 to 31) includes an identification signal (i.e. device identification code) of the apparatus (200, 300, 400 or 500) that distinguishes the apparatus (200)

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(i.e. TV set) from an other apparatus (400)(i.e. an air conditioner) (column 19 line 40 to column 20 line 24; column 32 line 31 to 67) in order to decide and to instruct the device to be remotely controlled without interference with other devices.

One of ordinary skilled in the art recognizes the need to includes an identification signal of the apparatus of Kushiro et al. in the appliances of Duhamé et al. in view of Brinkmeyer et al. because Duhamé et al. suggest it is desired to provide that portable transceiver sends to the remote appliances the identification signal to identify the remote control unit with personalized programming control (column 6 lines 31 to 45; see Figure 3) and Kushiro et al. teach that the each apparatus equips with a device identification code to distinguish from other apparatus to be remotely controlled (column 32 line 31 to 67) in order to activate the correct functions of each apparatus in a home network . Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to need to includes an identification signal of the apparatus of Kushiro et al. in the appliances of Duhamé et al. in view of Brinkmeyer et al. with the motivation for doing so would have been to provide a portable transceiver able to operate and control a plurality of appliances in order to minimize the confusion of which appliance is controlled at the present.

Claims 8-9, 13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamé et al. (US# 5,541,585) and in view of Nickum (US# 6,359,661).

Referring to claim 8, Duhamé et al. disclose a system, to the extent as claimed with respect to claim 1 above, Duhamé et al. did not explicitly disclose the system further including:

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The gatekeeper device is capable of storing the user profile for selective communication to the apparatus.

In the same field of endeavor of multiple user profile remote control system, Nickum teaches that the gatekeeper device (200) (i.e. a remote control with EEPROM) is capable of storing the user profile for selective communication to the apparatus (110) (i.e. a television receiver) (column 2 lines 25 to 49; column 4 line 66 to column 5 line 21, column 6 lines 38 to 57) in order to control television programming according to the stored program control data user profile.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize to have a remote control stores a user profile for communication to the television receiver in a portable transceiver's memory that stores authentication codes to transmits a response signal to the appliances of Duhamel et al. because portable transceiver is capable of storing the user profile would improve the accurate of multiple personalized of each portable transceiver that has been shown to be desirable in the automatically remote control of appliances to conform to the user's preferences.

Referring to claims 9 and 18, Duhamel et al. in view of Nickum disclose a system as claimed in Claim 8, Nickum discloses characterized in that the apparatus (110) is capable of exchanging the user profile (i.e. user profile data) with the gatekeeper device (200) or another apparatus and the gatekeeper device is capable of exchanging the user profile with a plurality of other apparatuses (column 6 line 58 to column 7 line 33; see Figures 1, 6 and 7).

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Referring to claims 13 and 17, Duhamel et al. disclose a system as claimed in Claims 1 and 14, and Nickum discloses characterized in that the apparatus (110) is further configured to effect the personalizing of its behavior based on user behavior following a prior receipt of the user identification (column 2 lines 50 to 59; column 6 lines 58 to column 7 lines 11; column 8 lines 34 to 46).

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 7, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations characterized in that the apparatus further configured to generate an identity tag which identifies a select personalization, and communicate the identity tag to the gatekeeper device, the gatekeeper device being capable of storing said identity for use as the user identification at subsequent occasions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
October 18, 2004



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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